

Volusia County Sheriff's Office Supervisor Discipline Report

Incident Entered By: CAPT Erik Eagan - 2273

Assigned Investigator: [Incident pending assignment]

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
2/25/2019	2/14/2019	08:10
Record ID #	Agency Case #	File #
25252	19-3558	SD 19-063
Date/Time Entered		
4/4/2019 10:54		

Incident Summary

Letter of Reprimand (LOR)

Employee Name- Paul Passerello
ID#- 7630
Division- Support Operations Services
Section- Special Operations

1. List Violations of the Volusia County Sheriff's Office Standards Directives-

26.2.123 Prompt Compliance With Lawful Order - Employees shall promptly execute the lawful orders and/or instructions of a supervisor or superior officer of the VCSO and shall not delay or fail to carry out such orders or instructions. (Violation subject up to a 5 day suspension.)

26.2.132 Failure to maintain required skills, knowledge and abilities within acceptable levels shall result in counseling, instruction or training. (Violation subject up to a written reprimand.)

RE:

KNOWLEDGE OF OFFICIAL DIRECTIVES

26.2.134 VCSO personnel are required to possess a sound working knowledge of the policies and procedures established by the Standards Directives.

41.3.5 Where practicable, the Deputy shall follow-up the investigation until all leads are exhausted.

41.3.6 Supplemental reports will be submitted detailing the progress of the investigation until the case is solved or inactivated.

2. Documented behavior and dates of the incident(s) supporting the violations-

Deputy Passerello, on February 14, 2019, while assigned as the school resource deputy at Atlantic High School, you responded to a report of a disturbance in a classroom. The juvenile involved was reported to have Autism and several other behavioral disorders. The juvenile picked up a chair and struck a teacher causing injury to her shoulder and back. Due to medical staff tending to the teacher, she was not able to provide a written statement or express her intent on criminal charges. The teacher was transported via EVAC to Halifax Medical Center in Daytona Beach.

After a lengthy discussion involving Sheriff's Office Command Staff and the Sheriff's Office Legal Advisor, the decision was made to take the juvenile into protective custody under the Baker Act. You were instructed to follow up with the teacher (victim) and other witnesses in order to determine the totality of the circumstances involved in the incident and whether the victim wished to pursue criminal charges.

You failed to conduct a follow up investigation on this incident until February 25, 2019, after being prompted by your supervisor. You advised that the teacher did not return to work until that date, and you could not obtain a statement or ask her if she wished to pursue charges; however, you made no attempt to call her or arrange for a meeting with her. You had several names of witnesses that were provided to you and you were able to obtain written statements from the witnesses; however, the statements were heavily redacted to

include the names of the persons writing the statements. Because the names were blacked out, you did not make any attempt to contact the witnesses you had the names for to conduct a follow up investigation. The teacher (victim) provided you with a written statement indicating she felt she was "targeted" by the juvenile student.

You met with the teacher (victim) again on March 3, 2019, and confirmed she wished to sign criminal charges against the student who battered her. You prepared a charging affidavit on the juvenile suspect and had the teacher (victim) sign it. After a review of the affidavit, it was noted that the last paragraph stated "Based on the totality of circumstances, Deputy Passerrello's investigation has determined that there is NOT significant evidence to determine probable cause to believe that (juvenile name) had committed the offense of battery against the school employee (teacher name).

Deputy Passerrello, you failed to complete a thorough investigation in a timely manner and you failed to interview witnesses and document those interactions. Your opinion regarding the lack of significant evidence to determine probable cause is troubling. Lieutenant Tom Tatum, your second level supervisor, had to complete this flawed investigation and submitted a supplemental affidavit with the pertinent information to include witness statements. For these failures and deficiencies in your lackadaisical handling of this investigation, you are receiving this Letter of Reprimand.

If there is any problem or condition that is troubling you that we are unaware of please advise so that this office will have the opportunity to assist you in correcting this problem.

Any subsequent violations of department standards will result in progressive disciplinary action. Take due notice and govern yourself accordingly.

Incident Location

- 1250 Reed Canal Road, Port Orange, FL 32129 - Location of Occurrence: District 3 South

Categories

Reporting Employees

LT Thomas Tatum - DID #: 2405

Involved Employees

SGT Jonelle Hillyard - DID #: 2383

Assignment at time of incident: Title: SGT STTR

Video Footage: [No Response]

Role

-

Allegations linked to this employee

- Sustained
- Sustained

DEP Paul Passerrello - DID #: 7630

Assignment at time of incident: Title: DEP CSSR

Video Footage: [No Response]

Role

-

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

No attachments

Assignment History

Sent Dt	From	To
4/17/2019	Sergeant Ryan Mills	(None Specified)
Assignment notes Field status changed in IAPro from To IA to Released		
Email sent to receiver No email sent		
4/17/2019	Sergeant Ryan Mills	(None Specified)
Assignment notes Released back to IAPro		
Email sent to receiver No email sent		

Chain of Command History

Routing #1	
Sent From:	CAPT Erik Eagan
Sent To:	DEP Paul Passerello
CC:	LT Thomas Tatum, LT Michelle Newman
Sent Date/Time:	4/4/2019 11:09 AM
Instructions from CAPT Erik Eagan to DEP Paul Passerello:	
Paul,	
Please log into BlueTeam and review the pending supervisor discipline. Please acknowledge the document by	

typing your name in the comments section. Acknowledgement by you does not admit wrong doing, only receipt and notification. You will then forward the EPN to Lieutenant Tatum, who will then forward the EPN through the chain of command for review.

Thank you

Captain Erik Eagan

Comments/Response from DEP Paul Passerello:

Comments:

Paul W. Passerello

Routing #2

Sent From: DEP Paul Passerello

Sent To: LT Thomas Tatum

CC: (none)

Sent Date/Time: 4/4/2019 11:29 AM

Instructions from DEP Paul Passerello to LT Thomas Tatum:

For your review.

Comments/Response from LT Thomas Tatum:

Comments:

Acknowledged. For your signature/approval

Routing #3

Sent From: LT Thomas Tatum

Sent To: CAPT Erik Eagan

CC: LT Michelle Newman

Sent Date/Time: 4/5/2019 10:07 AM

Instructions from LT Thomas Tatum to CAPT Erik Eagan:

FYR/Signature

Comments/Response from CAPT Erik Eagan:

Comments:

[Forwarded by CAPT Erik Eagan]

Routing #4

Sent From: CAPT Erik Eagan

Sent To: Admin Group

CC: (none)

Sent Date/Time: 4/5/2019 10:40 AM

Instructions from CAPT Erik Eagan to Admin Group:

FYR

Comments/Response from CAPT Eric Westfall:

Comments:

[Forwarded by CAPT Eric Westfall]

Routing #5

Sent From: CAPT Eric Westfall

Sent To: DCHF Timothy Morgan

CC: (none)

Sent Date/Time: 4/8/2019 9:21 AM

Instructions from CAPT Eric Westfall to DCHF Timothy Morgan:

FYR.

Comments/Response from DCHF Timothy Morgan:

Comments:

[Forwarded by DCHF Timothy Morgan]

Routing #6	
Sent From:	DCHF Timothy Morgan
Sent To:	CHDP Joseph Gallagher
CC:	(none)
Sent Date/Time:	4/12/2019 2:23 PM
Instructions from DCHF Timothy Morgan to CHDP Joseph Gallagher:	
Joe I can't weigh in on this one.	
Comments/Response from CHDP Joseph Gallagher:	
Comments: [Forwarded by DCHF Joseph Gallagher]	

Routing #7	
Sent From:	CHDP Joseph Gallagher
Sent To:	CHDP John Creamer
CC:	(none)
Sent Date/Time:	4/15/2019 8:05 PM
Instructions from CHDP Joseph Gallagher to CHDP John Creamer:	
Supervisory Discipline, LOR on Deputy Paul Passerrello, ID# - 7630 - SRD for General Knowledge & Prompt Compliance with Lawful Order.	
Comments/Response from CHDP John Creamer:	
Comments: [Forwarded by CHDP John Creamer]	

Routing #8	
Sent From:	CHDP John Creamer
Sent To:	Admin IA
CC:	(none)
Sent Date/Time:	4/16/2019 9:15 AM
Instructions from CHDP John Creamer to Admin IA:	
Concur- FYA	
Comments/Response from SGT Ryan Mills:	
Comments: [Forward to IAPro by SGT Ryan Mills]	

Assigned Investigator Signature Line

[Incident pending assignment]

Chain of Command Signature Lines

DEP Paul Passerrello

LT Thomas Tatum

CAPT Erik Eagan

CAPT Eric Westfall

DCHF Timothy Morgan

CHDP Joseph Gallagher

CHDP John Creamer

SGT Ryan Mills